

LONDON BOROUGH OF TOWER HAMLETS

RECORD OF THE DECISIONS OF THE LICENSING SUB COMMITTEE

HELD AT 6.55 P.M. ON TUESDAY, 13 DECEMBER 2022

**THE COUNCIL CHAMBER, TOWN HALL, MULBERRY PLACE, 5 CLOVE
CRESCENT, LONDON, E14 2BG**

Members Present in Person:

Councillor Peter Golds (Leader of the Conservative Group)
Councillor Amin Rahman
Councillor Kamrul Hussain

1. DECLARATIONS OF INTEREST

There were no Declarations of Interest.

2. RULES OF PROCEDURE

The rules of procedure were noted.

3. ITEMS FOR CONSIDERATION

**3.1 Application for a new premises Licence for Jack the Chipper, 96
Whitechapel High Street, London E1 7RA**

This matter was adjourned because difficulty had arisen over one of the Members attending, and whilst a substitute Member had attended, he had not read through the papers, hence the consensus was it was in the interests of justice to adjourn this matter. Whilst the Licensing Sub-Committee on 20th December 2022 was mentioned, that has become subject to change because of scheduling issues, and Committee Services will notify parties of the fresh adjourned date.

**3.2 Application for a variation of a premises licence for Marios, Unit 3a, 139
Three Colt Street London E14 8AP**

Same as for 3.1 above.

**3.3 Application for a Temporary Events Notice for Spirits of East, 508
Commercial Road LONDON E1 0HY**

The Licensing Objectives

In considering the application, Members were required to consider the same in accordance with the Licensing Act 2003 (as amended), the Licensing

Objectives, the Home Office Guidance and the Council's Statement of Licensing Policy and in particular to have regard to the promotion of the licensing objectives:

- The Prevention of Crime and Disorder;
- The Prevention of Public Nuisance;
- Public Safety;
- The Protection of Children from Harm

Consideration

Each application must be considered on its own merits. The Sub-Committee carefully considered all of the evidence before them and heard the oral representations at the meeting virtually and in person from the Applicant, Environmental Protection, and the Metropolitan Police.

The Sub-Committee considered what was reasonable and proportionate for the promotion of the licensing objectives, in particular, the prevention of public nuisance and the prevention of crime and disorder.

Paragraph 10.13 of the Secretary of State's Guidance under S182 of the Licensing Act 2003 says that that Act "gives the licensing authority power to make decisions about the hours during which premises can conduct licensable activities as part of the implementation of its licensing policy statement. Licensing authorities are best placed to make decisions about appropriate opening hours in their areas based on their local knowledge and in consultation with responsible authorities."

The Sub-Committee took into account what the Applicant, Mr Ali Cihan Kanidagli had written in support of his application. The Sub-Committee did not hear any representations from a Mr Mehmet Recep, who attended virtually and presented himself as the Applicant's brother, because he could not provide, when asked, verification that he was the Applicant's brother and that he was authorised to speak to this matter on the Applicant's behalf. The Sub-Committee noted that nothing had been heard direct from the Applicant to explain his absence, and that whilst Mr Recep said that the Applicant was abroad, there was nothing to verify this, nor to explain why the Applicant had not sought to join the meeting virtually.

Regulation 20 of the Licensing Act 2003 (Hearings) Regulations 2004 provides that where a party has not indicated that he will attend, the Authority may hold the hearing in that party's absence.

In so doing, Members reflected that the Applicant had given no reason direct for his absence, had not sought to join virtually, and had not provided any authorisation for anyone else, such as Mr Recep, to represent him, Thus, Members felt it was in the interests of justice to proceed in the Applicant's absence.

Members noted concerns expressed by Ms Cadzow, that these premises were close to residential premises with the likelihood of public nuisance, particularly: -

- Noise breakout from the venue affecting neighbouring residents
Access & aggro to and from the venue of patrons likely to be in high spirits during the proposed hours

The Sub-Committee noted Ms Cadzow's comment that she was willing to consider withdrawing the representation, if the Applicant reduced the hours requested to 01:00 hours, not as proposed 05:50 hours in the morning. However, the Applicant was not present to be asked about that, hence Members took the application as it stood.

Members noted the objections of the Metropolitan Police, expressed by PC Mark Perry on the grounds of the prevention of crime and disorder, and prevention of public nuisance. Members took into account Police concerns that if the application were granted, the vast majority of patrons would have already attended pubs, clubs, and parties celebrating the New Year, and were therefore likely to be in high spirits entering and leaving.

Members noted that the Applicant's premises were close to The Troxy, a venue that has many late night shows and events around Christmas and New Year, so that patrons of The Troxy going onto anywhere else, like the Applicant's premises were more likely to engage in alcohol fuelled crime and disorder and anti-social behaviour.

The Sub-Committee were concerned that granting the application would not uphold the licensing objectives of preventing public nuisance and preventing crime and disorder.

Therefore, Members made a unanimous decision to refuse the application.

Accordingly, the Sub-Committee unanimously;

RESOLVED

That the application for a Temporary Events Notice in respect of Spirits of East, 508 Commercial Road London E1 0HY be **REFUSED**

4. EXTENSION OF DECISION DEADLINE: LICENSING ACT 2003

Members agreed to extend the decision deadlines for the applications below to the dates stated; Licensing applications were extended due to the impact of the pandemic, and were adjourned under regulation 11 of the Licensing Act 2003 (Hearings) Regulations 2005, it was in the public interest to do so, and did not require representation from parties to the applications.

Premises	Extended to:
Chaiwala 55 Brick Lane E1 6PU	14/02/23
Oval Venues Ltd – Oval Café, 11-12 The Oval.	14/02/23

The meeting ended at 8.00 p.m.

Chair,
Licensing Sub Committee